

**EXHIBIT C**  
**Part 2 of 3**

1 a husband?

2 **INMATE AGRIO:** They're divorced.

3 **PRESIDING COMMISSIONER SAWYER:** Okay.

4 November 7, 2005, St. Vincent Seminary in  
5 Philadelphia November 19, 2005, and the Reverend  
6 John Kennedy is a friend of your mother?

7 **INMATE AGRIO:** Yes, sir.

8 **PRESIDING COMMISSIONER SAWYER:** In  
9 support, Franco Urena from Philadelphia. This  
10 is your nephew?

11 **INMATE AGRIO:** Nephew, sir, yes.

12 **PRESIDING COMMISSIONER SAWYER:** In  
13 support. Another letter from Philadelphia,  
14 Peter, B-E-R-E-Z-I-A-K, a letter of support  
15 dated November 10, 2005, Franklin Urena,  
16 Philadelphia, November 15, 2005, a letter of  
17 support and this is your brother?

18 **INMATE AGRIO:** Yes, sir.

19 **PRESIDING COMMISSIONER SAWYER:** Olga  
20 Robertson from Carson, California. November 6,  
21 2005, a friend of the family for years. She's  
22 writing in support of parole, a letter of  
23 November 15, 2005, from Catherine, M-U-H-S,  
24 Mammoth Lakes, in support, Raymond Olivarez  
25 Soledad, California. He is an inmate?

26 **INMATE AGRIO:** Yes, sir. That's my  
27 celli.

1                   **PRESIDING COMMISSIONER SAWYER:** That's  
2 your celli?

3                   **INMATE AGRIO:** He's a former  
4 professional too who was here in a similar  
5 situation such as mine. We've been living  
6 together now for over a year, and he felt he  
7 wanted to write in support of me.

8                   **PRESIDING COMMISSIONER SAWYER:** Okay.  
9 That's dated September 1, 2005. Is he still  
10 your celli?

11                  **INMATE AGRIO:** Yes, sir.

12                  **PRESIDING COMMISSIONER SAWYER:** Okay.  
13 And he's in support. Buddhist Chaplaincy [sic]  
14 from Max?

15                  **INMATE AGRIO:** Yeah, that's a program  
16 that I'm currently attending, sir. Buddhist  
17 meditation. I go once a week on Tuesday, and  
18 this is the gentlemen that is the coordinator.

19                  **PRESIDING COMMISSIONER SAWYER:** Okay,  
20 and that's January 20, 2005. It says they're  
21 not a candidate for laudatory Chrono but -- so  
22 he's writing this letter. It says you got good  
23 attendance there. He doesn't know anything  
24 about the circumstances of your incarceration,  
25 but participating on your behavior and attitude  
26 in his study program he'd deserve serious  
27 consideration. And then I have a letter from

1 Robert Hedlund, H-E-D-L-U-N-D, from Tehachapi,  
2 California, dated October 30, 2002, talks about  
3 some of your accomplishments.

4 **INMATE AGRIO:** He worked here, sir. He  
5 used to be the supervisor of the correctional  
6 educational program, and he was my monitor while  
7 I was doing the law school program here.

8 **PRESIDING COMMISSIONER SAWYER:** Uh-huh.

9 **INMATE AGRIO:** He's since past away  
10 unfortunately, sir, so I don't have a more  
11 current letter, but I thought his comments were  
12 still relevant.

13 **PRESIDING COMMISSIONER SAWYER:** Okay.  
14 Last (indiscernible) says give this man a date.  
15 Elizabeth Vazquez from San Diego. This is your  
16 sister?

17 **INMATE AGRIO:** No, sir, that was just a  
18 friend that I knew when I was living in San  
19 Diego also.

20 **PRESIDING COMMISSIONER SAWYER:** She  
21 refers to you as my beloved brother.

22 **INMATE AGRIO:** She's a minister now,  
23 sir in the spiritual world.

24 **PRESIDING COMMISSIONER SAWYER:** May 4,  
25 2004, a letter of support. It says my son-in-  
26 law. This is Susan Franklin DDS, Banesbridge  
27 Island, son-in-laws --

1           **INMATE AGRIO:** This is Cathleen's  
2 mother, yes, and she since has past away too,  
3 sir.

4           **PRESIDING COMMISSIONER SAWYER:** April  
5 15, 2004. Another letter from Nilsa, 2003.  
6 Another letter from Marie. A letter dated  
7 November 14, 2003, from Milatza, M-I-L-A-T-Z-A,  
8 (indiscernible) Philadelphia. She's in support.  
9 (Indiscernible) Ramiro from Panama, November 7,  
10 2003. It's a friend of yours from school?

11           **INMATE AGRIO:** Yes, sir.

12           **PRESIDING COMMISSIONER SAWYER:** Okay,  
13 Supporting. Stephanie Ball, Bizmo (phonetic)  
14 Beach. She's a personal friend of Cathleen,  
15 your wife?

16           **INMATE AGRIO:** Yes, sir.

17           **PRESIDING COMMISSIONER SAWYER:** Has she  
18 ever been to visit you?

19           **INMATE AGRIO:** No, sir.

20           **PRESIDING COMMISSIONER SAWYER:** A  
21 letter of support (indiscernible) Agrio. Elaina  
22 Wardon, August 2002, it's Philadelphia. She  
23 knows your family and knows you and certainly is  
24 a letter of support. Okay. Now, bear with me  
25 I've read that letter. This is Jacqueline, B-U-  
26 I-T-R-A-G-O, my son's uncle. About his release  
27 a support letter by William Schmitt, Attorney,

1 in Bizo Beach.

2 INMATE AGRIO: He represented me in the  
3 last hearing also, sir.

4 PRESIDING COMMISSIONER SAWYER: I read  
5 that. We know Mr. Schmitt. A letter from  
6 Samuel Evans, who wrote some -- he writes a  
7 little different letter, doesn't he?

8 INMATE AGRIO: Yes, sir. This  
9 gentlemen is the oldest living democrat in the  
10 United States. It's a big thing in  
11 Philadelphia.

12 PRESIDING COMMISSIONER SAWYER: How old  
13 is he?

14 INMATE AGRIO: 103.

15 PRESIDING COMMISSIONER SAWYER: Wow.

16 INMATE AGRIO: He just had a birthday  
17 recently and he's still going strong, and he's a  
18 founder of AFNA, an organization that is very  
19 involved in the community in Philadelphia. My  
20 mother is associated with them, and he happens  
21 to know Governor Schwarzenegger personally.

22 PRESIDING COMMISSIONER SAWYER: Well,  
23 he says he met him.

24 INMATE AGRIO: Met him.

25 PRESIDING COMMISSIONER SAWYER: Yeah, I  
26 read the letter earlier and it says he shook his  
27 hand and met him and he wrote him a letter.

1           **INMATE AGRIO:** Yes.

2           **PRESIDING COMMISSIONER SAWYER:** And  
3 this is a copy of the letter and this is July 8,  
4 2004. He's also listed all the -- all the  
5 letters --

6           **INMATE AGRIO:** Supporters, yes, sir.

7           **PRESIDING COMMISSIONER SAWYER:** -- that  
8 you've got there. And he's in support of you.  
9 And I got a letter from your spouse dated 2005,  
10 in support. Olga Robertson, Peter, Rosy,  
11 Kimberly and Jamar. (Indiscernible) know these  
12 people.

13           **INMATE AGRIO:** I think -- I do believe  
14 those are duplicates now, sir.

15           **PRESIDING COMMISSIONER SAWYER:** Yes,  
16 yes they were. I'm not fighting you here. I'm  
17 just doing my paperwork, and there's Mr. Evans  
18 again. Okay. Now -- okay in your file I have  
19 essentially a triplicate. You're covered.  
20 Would you do me a favor?

21           **INMATE AGRIO:** Yes, sir.

22           **PRESIDING COMMISSIONER SAWYER:** Take a  
23 deep breath. There you go. Okay. We also have  
24 just for the record we have an impact statement  
25 that I read earlier. I actually read it last  
26 night from the mother of the victim, also I read  
27 the San Diego Union Newspaper articles that were

1 in the file, and that covers it. I'm going to -  
2 - so it doesn't get messed up I've got some  
3 original letters here. Although I think you  
4 probably have duplicates of them but I'm going  
5 to return those to you at this time.

6 **INMATE AGRIO:** Thank you.

7 **PRESIDING COMMISSIONER SAWYER:** And  
8 then turn it over to Commissioner Mitchell

9 **DEPUTY COMMISSIONER MITCHELL:** It's  
10 about out of tape, so I'm going to stop the  
11 tapes ask turn them over.

12 **PRESIDING COMMISSIONER SAWYER:** Very  
13 good.

14 (off the record)

15 **DEPUTY COMMISSIONER MITCHELL:** We're  
16 back on record. With regard to your post-  
17 conviction information, sir, I reviewed our  
18 Central File. The post-conviction progress  
19 reports updated last on November 15, 2005, by  
20 Correctional Counselor L.R. Baker, a life  
21 prisoner evaluation report prepared for the May  
22 2005, calendar by Correctional Counselor S, the  
23 last name is spelled, A-R-N-O, and a  
24 psychological evaluation prepared by Dr. Melvin  
25 Macomber that's, M-A-C-O-M-B-E-R, Ph.D. and the  
26 dictation date is June 26, 2003, that currently  
27 is the most current one. Is that the most



1 current one you have, Counsel?

2 **ATTORNEY FOX:** Yes.

3 **DEPUTY DISTRICT ATTORNEY SNESS:** Yes.

4 **DEPUTY COMMISSIONER MITCHELL:** Very  
5 good, thanks. This appears to be your third  
6 subsequent parole consideration hearing looking  
7 at the files. Does that sound right to you?  
8 You had an initial, two subsequent ones after  
9 that, this will be the third subsequent?

10 **INMATE AGRIO:** That's correct

11 **PRESIDING COMMISSIONER 2:** Totaling?

12 **INMATE AGRIO:** Yes, sir.

13 **DEPUTY COMMISSIONER MITCHELL:** Okay,  
14 because the last hearing it looks like they  
15 identified it as your third. When I looked at  
16 the paperwork that appeared to be an error. The  
17 last hearing occurred on May 18, 2004. You  
18 received a one-year denial by the board. The  
19 recommendations were to remain -- or stay  
20 disciplinary free, and to participate in self-  
21 help program. You've accomplished both. Under  
22 the housing and classification score area, you  
23 have an actual classification score of zero.  
24 You have a mandatory score of 19 that was true  
25 during your last hearing. You retain Medium A  
26 custody, and just for the record 19 is the  
27 lowest security score that you are allow today

1 have as a life term prison without a parole  
2 date, the same with the medium A custody.  
3 That's if lowest custody designation you can  
4 have as a life term prisoner without a parole  
5 date. Do you understand that?

6 **INMATE AGRIO:** Yes, sir.

7 **DEPUTY COMMISSIONER MITCHELL:** Out of  
8 the enemies confidential, there's some  
9 identification of an enemy or so. There's no  
10 known confidential enemies and there's no gang  
11 affiliation. Currently assigned to disciplinary  
12 clerk position; is that correct?

13 **INMATE AGRIO:** Yes, sir.

14 **DEPUTY COMMISSIONER MITCHELL:** Assigned  
15 on September 17, 2004, according to the Chrono  
16 and you got satisfactory grades. Now, how  
17 actually long have you held the position?

18 **INMATE AGRIO:** It's been about a year  
19 now.

20 **DEPUTY COMMISSIONER MITCHELL:** Okay.  
21 So that's an accurate date then?

22 **INMATE AGRIO:** Yes, sir.

23 **DEPUTY COMMISSIONER MITCHELL:** Previous  
24 science I notice was a vocational data  
25 processing, teacher's aide apprentice. Is it  
26 cook actually?

27 **INMATE AGRIO:** Yes, sir.

1           DEPUTY COMMISSIONER MITCHELL: Or it  
2 wasn't apprentice clerk but cook.

3           INMATE AGRIO: Cook.

4           DEPUTY COMMISSIONER MITCHELL: Did you  
5 complete anything within the cooking skills?

6           INMATE AGRIO: No, sir, unfortunately  
7 not.

8           DEPUTY COMMISSIONER MITCHELL: You  
9 didn't like cooking?

10          INMATE AGRIO: No, sir.

11          DEPUTY COMMISSIONER MITCHELL: Okay.  
12 And then I see you got assigned as relief clerk  
13 always receiving satisfactory to exceptional  
14 grades. In the educational area, as noted in  
15 the original institutional staff recommendation  
16 summary when you were received into the  
17 reception center by the Department of  
18 Corrections, it was noted that that you had a  
19 Bachelors of Arts degree in public  
20 administration, has that been clarified to a  
21 Bachelors of Science now?

22          INMATE AGRIO: No, sir. That may have  
23 been my error. That's Bachelors of Arts.

24          DEPUTY COMMISSIONER MITCHELL: All  
25 right. And you also have completed about one  
26 year of law school at that time that's prior to  
27 coming to state prison?

1           **INMATE AGRIO:** Yes, sir.

2           **DEPUTY COMMISSIONER MITCHELL:** Okay.

3     Subsequent to your arrival in the state prison,  
4     educationally I found Chronos or certificates,  
5     the first one is August 26, 2002, for completing  
6     a journalism course -- pardon me, that's the  
7     impact program. You had a journalism course  
8     that was May 22, the 2002, then a business  
9     vocation course on June 26, 2002, your jurist  
10    doctorate as you mentioned already on September  
11    16, of '99, it's documented, and I believe  
12    that's the date of the actual certificate,  
13    February 2, 1996, before that was legal  
14    assistant paralegal, May 5, 2000 -- and that's  
15    actually not educational. I was going to ask  
16    you a quick question regarding your jurist  
17    doctorate. I believe you were asked if you knew  
18    if it was an accredited school or not. Do you  
19    know what the difference is?

20           **INMATE AGRIO:** Yes, sir, I believe I  
21    do.

22           **DEPUTY COMMISSIONER MITCHELL:** Okay.  
23    First did you take a baby bar?

24           **INMATE AGRIO:** No, sir.

25           **DEPUTY COMMISSIONER MITCHELL:** Okay.

26    The baby bar is required after the first year on  
27    a non- accredited law school. Had you

1 registered with the state bar?

2 **INMATE AGRIO:** No, sir.

3 **DEPUTY COMMISSIONER MITCHELL:** You need  
4 to be registered with the state bar for four  
5 years before taking the exam unless something  
6 has changed, so I'm not sure that's accredited.  
7 All it means is that you would be entitled once  
8 the bar accepts you to take to exam, and if you  
9 pass the State Bar if you are allowed to, then  
10 you'd be as good as any attorney from an  
11 accredited school, but until that time, if it's  
12 not accredited then you're not allowed to use it  
13 for certain positions that request a graduate  
14 from law school where they expect to be  
15 accredited. Like the FBI will not accept a non-  
16 accredited law school, but if you pass the state  
17 bar then they accept it, so it might be worth  
18 your while taking a look at it to see if you are  
19 accredited or not and see if I would have the  
20 impact on any kind of future assignment or job.  
21 Were you planning to try to apply to the state  
22 bar to become an attorney?

23 **INMATE AGRIO:** I've done some research  
24 in that area, sir, and my understanding is that  
25 I have to at least have seven years of parole  
26 time and then apply somehow to the office of the  
27 Governor to get some kind of a clearance so that

1 I can then be allowed to practice also. It's a  
2 long process.

3 **DEPUTY COMMISSIONER MITCHELL:** Well,  
4 they have a certificate of rehabilitation that  
5 can be awarded after a period of time and after  
6 the Board of Prison Terms (indiscernible) does  
7 the investigation for that and --

8 **INMATE AGRIO:** Exactly.

9 **DEPUTY COMMISSIONER MITCHELL:** -- there  
10 is a couple of things you have to go through I  
11 imagine before you can be accepted by the state  
12 board. The bar also has restrictions on certain  
13 offenses like moral turpitude. I do not know if  
14 this is going to restrict you from becoming an  
15 attorney. We have -- on occasion I have met  
16 attorneys who have spent time in state prison  
17 for certain offenses, so you may want to contact  
18 state board write them a letter and find out if  
19 you can or not down the road based on the  
20 criminal offense itself.

21 **INMATE AGRIO:** I will do that, sir.

22 **DEPUTY COMMISSIONER MITCHELL:** It might  
23 be worth your while. You've done very well so  
24 I'm not trying to knock it, I just want to  
25 subject that you may want to clarify a few  
26 things for yourself. Under the laudatory Chrono  
27 section, I notice here numerous Chronos going

49.

1 from the list that I wrote down November 13,  
2 2005, outstanding work, third watch clerk,  
3 disciplinary clerk, that Captain Pope, P-O-P-E,  
4 September 23 2005 another one regarding your  
5 outstanding work by Lieutenant D.M., last name  
6 is spelled B-E-M-E-D-E-T-T-I, August 31, 2005,  
7 personal observation made by sergeant G.G., last  
8 name is V-E-R-D-E-S-T-O, about how well you  
9 worked and got a long with the unit, December  
10 15, 2002, voluntary worker. Let's see, this was  
11 the 2002 Annual Children's Holiday Festival you  
12 participated in, November 7, 2002, vocational  
13 instruction, supervisor E.R. Parham, P-A-R-H-A-  
14 M, wrote a laudatory Chrono, September 4, 2001,  
15 arts in corrections a laudatory Chrono. The  
16 last one I noted here was August 15, 2000  
17 material safety -- let's see, hazardous  
18 materials that you completed that program. Is  
19 that correct, sir?

20 INMATE AGRIO: Yes, sir.

21 DEPUTY COMMISSIONER MITCHELL: In the  
22 vocational training programs, we're talking  
23 about computer repair, we're talking about  
24 cooking, have you completed vocational training  
25 itself?

26 INMATE AGRIO: Yes, sir.

27 DEPUTY COMMISSIONER MITCHELL: And

1 which programs have you completed so far?

2 **INMATE AGRIO:** The computer  
3 refurbishing program here at Soledad and I've  
4 also completed the paralegal certificate program  
5 through correspondents --

6 **DEPUTY COMMISSIONER MITCHELL:** Those  
7 are considered vocational?

8 **INMATE AGRIO:** Yes.

9 **DEPUTY COMMISSIONER MITCHELL:** I saw  
10 the computer refurbishing. How long is the  
11 program as that?

12 **INMATE AGRIO:** It's a self-paced  
13 program, and I completed it in a little bit over  
14 eight months.

15 **DEPUTY COMMISSIONER MITCHELL:** What can  
16 you do after the completion of that program?

17 **INMATE AGRIO:** Well, it basically  
18 teaches you how to break down the computer and  
19 install certain things like maybe a hard drive  
20 and change surgeon parts and what have you.

21 **DEPUTY COMMISSIONER MITCHELL:** Chance  
22 the memory?

23 **INMATE AGRIO:** Month, not the memory  
24 but, you know, you can increase the power of the  
25 computer.

26 **DEPUTY COMMISSIONER MITCHELL:** How  
27 about the little cards you drop in to increase



1 your memory?

2 **INMATE AGRIO:** Oh, yeah. Memory cards  
3 you are talking about, yes.

4 **DEPUTY COMMISSIONER MITCHELL:** Okay.

5 **INMATE AGRIO:** There are certain  
6 things, you know, the course itself is very  
7 basic but it gives you an idea more or less of  
8 how the computer work --

9 **DEPUTY COMMISSIONER MITCHELL:** It is a  
10 correspondent in that course or is there someone  
11 an academic instructor here?

12 **INMATE AGRIO:** No, sir, this is a  
13 program that they had here that was operating  
14 out of the education department here at Soledad.

15 **DEPUTY COMMISSIONER MITCHELL:** Very  
16 good. Under the mental health section I found  
17 no indication of a severe mental disorder.  
18 There is a reference here in the DSM, which is  
19 the manual, you might say, that the psychologist  
20 or psychiatrist used to provide a diagnosis and  
21 they're called Axis I through Axis V. The Axis  
22 I diagnosis; no contributory clinical disorder,  
23 Axis II; no contributory personality disorder,  
24 Axis III; no contributory physical disorder,  
25 Axis IV; deals with your life term  
26 incarceration, and Axis V; is your current GAF  
27 score, which is 90, as the global assessment of

1 functioning 90 is a very high functioning score,  
2 which means you get along with people. You do  
3 well. Under the self-help groups, Macalister  
4 noted that and I looked at all the Chronos that  
5 are in the file. Macalister's report notes that  
6 you have continued your participation in  
7 Narcotic's Anonymous program. He says has been  
8 attending meditation classes for the past year.  
9 Is it meditations? Is that correct?

10 INMATE AGRIO: Yes, sir, Buddhist  
11 meditation.

12 DEPUTY COMMISSIONER MITCHELL: Pardon?

13 INMATE AGRIO: Buddhist meditation.

14 DEPUTY COMMISSIONER MITCHELL: Okay.

15 Are you Buddhist?

16 INMATE AGRIO: No, sir. It's a program  
17 that is open to all denominations.

18 DEPUTY COMMISSIONER MITCHELL: Okay.

19 On a weekly basis from one hour per night or per  
20 week?

21 INMATE AGRIO: Yes, sir.

22 DEPUTY COMMISSIONER MITCHELL: These  
23 classes provide you with insight, concentration,  
24 and relaxation in a way of dealing with stress.  
25 Going through your Central File, I laundry  
26 listed Chronos for Narcotic's Anonymous  
27 participation going back to the year 2000. They

1 are consistent 2000, 2001, 2002, 2003, 2004, and  
2 2005. Those intervening years, there are  
3 several Chronos for each year, as you each month  
4 or two months go by you get a Chrono, so you've  
5 been actively participating for many years in  
6 it. You also have a notation of Chrono here for  
7 completing the impact workshop on August 26,  
8 2000, and the Parent Education class on February  
9 16, 2000. Do you remember those?

10 **INMATE AGRIO:** Yes, sir.

11 **DEPUTY COMMISSIONER MITCHELL:** Okay.

12 And that computer refurbishing there was two  
13 Chronos on that. One did not have a date or I  
14 believe an active certificate. The other one  
15 had a certificate date of November 27, 2000. I  
16 don't know what the other date is. Were these  
17 done about the same time?

18 **INMATE AGRIO:** About the same time, but  
19 the other one I believe had to do with data  
20 processing, and I was -- that's when I was  
21 working for Mr. Parham, and I was just taking it  
22 upon myself to learn a little bit more about the  
23 other side.

24 **DEPUTY COMMISSIONER MITCHELL:** All  
25 right, because it said November 25, and it was  
26 blank. They didn't put the year in, so about  
27 the same your 2000?

1           **INMATE AGRIO:** Yes, sir.

2           **DEPUTY COMMISSIONER MITCHELL:** Okay.

3 And you've also completed 60 days of spiritual  
4 recovery, that's May 5, 2000. Does that have  
5 anything to do with the Buddhist issue or  
6 something different?

7           **INMATE AGRIO:** No, sir, this was  
8 something different.

9           **DEPUTY COMMISSIONER MITCHELL:** Okay.  
10 Disciplinary is always a significant issue the  
11 board's concerned with. You've never received  
12 that I could find a rule violation report or a  
13 counseling Chrono, which referred to as CC 120  
14 days, is that correct?

15           **ATTORNEY FOX:** There is 1128A for  
16 possession of a television --

17           **DEPUTY COMMISSIONER MITCHELL:** Let's  
18 see if I if I got it here. The counselor didn't  
19 put it in or I didn't see it anyway. Let's look  
20 in here. Here you go. This is the one that's  
21 the 1991?

22           **ATTORNEY FOX:** Yeah.

23           **DEPUTY COMMISSIONER MITCHELL:** All  
24 right. Thank you very much. While conducted a  
25 search of the third floor building apparently,  
26 which the room was assigned to you, and this was  
27 what excess issue of state towels, Sears brand

1 of an a.m, f.m. transistor radio, a Goldstar  
2 brand television. Who did those belong to?

3 **INMATE AGRIO:** Usually, sir, when  
4 people parole around here and they leave stuff  
5 behind, if you are friendly with them, they  
6 might bless you with something.

7 **DEPUTY COMMISSIONER MITCHELL:** It was  
8 the policy?

9 **INMATE AGRIO:** It's not totally legal,  
10 sir, but you know, sometimes we need a little  
11 entertainment and, you know, we accept it.

12 **DEPUTY COMMISSIONER MITCHELL:** It used  
13 to be the policy of the Department of  
14 Corrections if someone were to donate, you'd go  
15 down through the receiving release unit and they  
16 have a property card they usually maintain on  
17 prisoners and then you could have the property  
18 assigned to. In an above board manner I won't  
19 ask anybody here if that's still lack of it or  
20 it used to be at least that's how you got  
21 permission to. Did you ever think about doing  
22 it legally?

23 **INMATE AGRIO:** Yes, sir. That's the  
24 policy, and I've since become familiar with it,  
25 but back in 1991, I was fresh to the system and  
26 I just didn't think about doing that.

27 **DEPUTY COMMISSIONER MITCHELL:** Okay.

1           **INMATE AGRIO:** I didn't see any problem  
2 with just having it, but then I found out it was  
3 not the right thing.

4           **DEPUTY COMMISSIONER MITCHELL:** All  
5 right. Other comments I found on your file that  
6 you participate in the -- this facility as the  
7 Veteran's group? How long have you been  
8 participating in that group?

9           **INMATE AGRIO:** Just a little bit over a  
10 year now. The group is brand new sir, and we  
11 just celebrated our first anniversary banquet  
12 and Veterans Day.

13           **DEPUTY COMMISSIONER MITCHELL:** What do  
14 you do in that group, sir?

15           **INMATE AGRIO:** I'm just a member right  
16 now, sir.

17           **DEPUTY COMMISSIONER MITCHELL:** And  
18 what's the purpose of the group?

19           **INMATE AGRIO:** To make sure that  
20 Veterans who are incarcerated here are, you  
21 know, walk the line in a professional and proud  
22 manner that brings credit to the service that  
23 they were a part of.

24           **DEPUTY COMMISSIONER MITCHELL:** You also  
25 participate in the Cage of Rage anger management  
26 program; is that correct?

27           **INMATE AGRIO:** Yes, sir.

1           **DEPUTY COMMISSIONER MITCHELL:** And when  
2 did that occur? I didn't get a date on it?

3           **INMATE AGRIO:** I'm not exactly sure,  
4 sir, but I think I have a Chrono here about  
5 that. While your looking, let me just read the  
6 summary in the correctional counselor's report.  
7 The summary section just notes that prior to  
8 release the prison could benefit from remaining  
9 disciplinary free, and participating in  
10 available programs. Do you have one there,  
11 Counsel?

12           **ATTORNEY FOX:** Yes, if I may. This is  
13 an anger management course, a Chrono from  
14 September 4, of 2002.

15           **DEPUTY COMMISSIONER MITCHELL:** Does  
16 that refer to Cage of Rage?

17           **ATTORNEY FOX:** I don't see those words  
18 on it.

19           **DEPUTY COMMISSIONER MITCHELL:** It's a  
20 different one then.

21           **ATTORNEY FOX:** It's a different one.

22           **INMATE AGRIO:** Yeah, a different one.

23           **DEPUTY COMMISSIONER MITCHELL:** All  
24 right. I'll continue and just for information  
25 Macalister used to summarize risk assessment for  
26 the community upon release, which is no longer  
27 done by policy, so it's not in your counselor's

1 report.

2 **ATTORNEY FOX:** Okay. If I may  
3 interject?

4 **DEPUTY COMMISSIONER MITCHELL:** Yes.

5 **ATTORNEY FOX:** This is a psychiatric  
6 Chrono dated March 28, of this year 2005, with  
7 Mr. Agrio's name and it says:

8 The above identified inmate  
9 asked to participate in Cage of  
10 Rage anger management group on  
11 this date an interview was held  
12 to assess his eligibility.  
13 Since he is not in the triple  
14 CMS program, I was not able to  
15 accept him into the only anger  
16 management treatment group being  
17 held at CTF. The inmate is to  
18 be commended for his efforts to  
19 seek out help dealing with this  
20 very important issue.

21 **DEPUTY COMMISSIONER MITCHELL:** So he  
22 has not completed that program then?

23 **ATTORNEY FOX:** No, it's not been  
24 completed.

25 **DEPUTY COMMISSIONER MITCHELL:** All  
26 right. Okay.

27 **INMATE AGRIO:** If I may add, sir,



1 briefly. As a result of that interview, Mr.  
2 Roscoff recommended that I participate in music  
3 therapy with psych tech, Mary Martinez, and I'm  
4 presently doing that every Thursday at 1:00  
5 o'clock.

6 **DEPUTY COMMISSIONER MITCHELL:** What do  
7 you do in the music therapy?

8 **INMATE AGRIO:** We do stretching  
9 exercises and a lot of meditation based on yoga.

10 **DEPUTY COMMISSIONER MITCHELL:** You do  
11 that to song though you are saying?

12 **INMATE AGRIO:** Yes, sir.

13 **DEPUTY COMMISSIONER MITCHELL:** Okay.  
14 Already. I thought maybe you were going to tell  
15 me that you play an instrument now.

16 **INMATE AGRIO:** No, sir.

17 **DEPUTY COMMISSIONER MITCHELL:** Okay.  
18 It was that kind of therapy.

19 **INMATE AGRIO:** And if I may just sir?

20 **DEPUTY COMMISSIONER MITCHELL:** Yes.

21 **INMATE AGRIO:** Also in addition to  
22 that, as a recommendation of Mr. Roscoff, I  
23 bought this book 'Beyond Anger' by Dr. Thomas  
24 Harvey, and I've read the entire book and done  
25 the exercises too, and this is strictly about  
26 anger management.

27 **DEPUTY COMMISSIONER MITCHELL:** Did you

1 learn anything from it?

2 **INMATE AGRIO:** Yes, sir.

3 **DEPUTY COMMISSIONER MITCHELL:** What did  
4 you learn?

5 **INMATE AGRIO:** I've learned that anger  
6 is a feeling just like hate, love, and that it's  
7 not the kind of thing that you can get rid of  
8 but you can recognize what the symptoms of anger  
9 are and how destructive or constructive they can  
10 be.

11 **DEPUTY COMMISSIONER MITCHELL:** What are  
12 the symptoms?

13 **INMATE AGRIO:** Well, there's some body  
14 changes that take place when you start to get  
15 angry. There's certain things that happen to  
16 you. For instance, you can start feeling  
17 tension in your neck area. You can start  
18 getting sweaty palms. These kinds of things are  
19 maybe a hollow feeling in your stomach.

20 **DEPUTY COMMISSIONER MITCHELL:** Now that  
21 you have learned this what would you do with it?

22 **INMATE AGRIO:** Well, my intention is to  
23 recognize whenever I find myself in these  
24 situations and I start noticing the changes in  
25 me that I can step back and take a moment and  
26 reassess what is happening with me and make sure  
27 that I don't react or act out in an

1 inappropriate manner.

2 **DEPUTY COMMISSIONER MITCHELL:** Thank  
3 you. In reviewing the psychological report, the  
4 psychologist noted that:

5 Your feelings of remorse were  
6 sincere and genuine, that you,  
7 as far as your parole social and  
8 individual, he was employed at  
9 the time as a law enforcement  
10 officer. He notes here that at  
11 the time of the offense you were  
12 overwhelmed and the situation  
13 got out of control. In the 15  
14 years of your incarceration, you  
15 have changed significantly. You  
16 have strong values about never  
17 engaging in violence towards  
18 woman at this point. He is able  
19 to explain how he should have  
20 handled the situation instead of  
21 the way you handled it. He  
22 stated that he simply should  
23 have left the situation and  
24 waited until later to try to  
25 talk with his wife. He  
26 understands now that he could  
27 reach out for help from others.

1 Mr. Agrio does not have a  
2 substance abuse problem but he  
3 has certainly been attending  
4 Alcoholic's Anonymous --  
5 and I think it's Narcotic's Anonymous isn't it?

6 **INMATE AGRIO:** Yes.

7 **DEPUTY COMMISSIONER MITCHELL:**

8 Over the years in an effort to  
9 understood the 12 Steps and how  
10 it could apply to presenting  
11 problems in the future. He  
12 spoke about his relapse  
13 prevention problem for marital  
14 problems that could occur in the  
15 future. It is evidence that  
16 inmate Agrio has thought a great  
17 deal about his behavior during  
18 the commitment offence and the  
19 underlining causes and does  
20 accept responsibility for his  
21 immaturity, inappropriate  
22 reaction, and his villous  
23 efforts to keep control of the  
24 situation. Under the assessment  
25 of dangerousness, inmate Agrio  
26 has remained entirely  
27 disciplinary free throughout his

1       15 years of custody. His  
2       potential for violence within  
3       the institutional environment is  
4       definitely below average in  
5       comparison to other inmates.  
6       Inmate Agrio has matured. He no  
7       longer is driven by his  
8       perfectionist affection and his  
9       tendencies to maintain control  
10      of his life. He has learned how  
11      to negotiate differences with  
12      others and come to positive  
13      resolutions of conflicts. He  
14      has a good sense of concern and  
15      empathy towards others. At this  
16      point in his life his potential  
17      violence in the unstructured  
18      setting of the community is  
19      definitely below average in  
20      comparison to other inmates. In  
21      comparison to the average  
22      citizen in the community, and  
23      based upon his knowledge and  
24      experiences, his potential for  
25      violence is even lower than  
26      that. There are no significant  
27      risk factors in this case at

1           this time. This inmate does not  
2           have a history of problem of use  
3           of drugs. Under clinical  
4           observations, there are no  
5           psychological problems evident  
6           in this case that would  
7           interfere with his being granted  
8           parole. He is a pro-social  
9           individual. He has no evidence  
10          of personality disorder. He has  
11          completed his law degree, which  
12          is a remarkable achievement. He  
13          does have a support program in  
14          San Diego, which is the county  
15          of commitment. With his law  
16          degree and skills, he will not  
17          have any difficulty obtaining  
18          employment in the community as a  
19          legal clerk. He has support  
20          (indiscernible) that will help  
21          him. The prognosis for  
22          successfully community  
23          adjustment in this case is  
24          excellent and he has no need for  
25          further psychological  
26          evaluations at this time or  
27          participation in therapy.

1 Counsel, is there anything that I failed to  
2 address in the post-conviction factors you would  
3 like me speak to?

4 **ATTORNEY FOX:** Yes, and it's not that  
5 you failed to it just may not be in the C-File.  
6 Mr. Agrio has also earned a certificate of  
7 completion in anger management. This is dated  
8 November 8, of 2005, so it's relatively recent  
9 if you'd like that.

10 **DEPUTY COMMISSIONER MITCHELL:** Is it a  
11 second course?

12 **INMATE AGRIO:** Yes, sir.

13 **DEPUTY COMMISSIONER MITCHELL:** You've  
14 taken two anger management classes?

15 **INMATE AGRIO:** Yes, sir.

16 **DEPUTY COMMISSIONER MITCHELL:** Okay.  
17 When did you complete the other anger  
18 management?

19 **INMATE AGRIO:** Pardon me, sir?

20 **DEPUTY COMMISSIONER MITCHELL:** When did  
21 you complete the other anger management course?

22 **INMATE AGRIO:** The first one that was  
23 May 5, 2002.

24 **DEPUTY COMMISSIONER MITCHELL:** 2002.

25 **INMATE AGRIO:** From Miracle's Prison  
26 Ministry -- Prisoner's Ministry.

27 **DEPUTY COMMISSIONER MITCHELL:** Oh,

1     okay.

2             **INMATE AGRIO:**   And this one is from  
3     Creative Options with Sister Marcella.

4             **DEPUTY COMMISSIONER MITCHELL:**   Okay,  
5     very good.   Anything else, Counsel?

6             **ATTORNEY FOX:**   No, thank you.

7             **DEPUTY COMMISSIONER MITCHELL:**   All  
8     right..   Chairman?

9             **PRESIDING COMMISSIONER SAWYER:**   Okay.  
10    Thank you.   I'd like you respond to what I've  
11    got to read here from 1989 when you were  
12    originally brought into the institution when you  
13    were dealing with (indiscernible) classified?

14            **INMATE AGRIO:**   Yes, sir.

15            **PRESIDING COMMISSIONER SAWYER:**   And  
16    they always write a little something and I  
17    always read it, and I thought it was pretty  
18    interesting, and it says:

19            Although appearing somewhat  
20            depressed you've never  
21            demonstrated any remorse for  
22            causing his wife's death.  
23            Although not directly addressed,  
24            he alluded to the fact that it  
25            was an accident culminating from  
26            his wife being drunk resulting  
27            in a family fight.   He spoke in



1 terms of what have I done to my  
2 life. I lost my house and car.  
3 He addressed the incident in  
4 cultural terms saying that it  
5 was -- that in a Latin family  
6 the man is the boss of house.  
7 Ordinarily the wife jumps with  
8 the snap of a finger. He  
9 indicated that today's younger  
10 people are not traditionalist  
11 and in an attempted to explain -  
12 - in an attempt to explain his  
13 position, stated that no matter  
14 how much time he has to do here,  
15 there is no guarantee that he  
16 would not ultimately end up in a  
17 similar position under similar  
18 circumstances.

19 Do you remember saying that?

20 **INMATE AGRIO:** I don't remember saying  
21 it, but I have read that, sir.

22 **PRESIDING COMMISSIONER SAWYER:** You've  
23 read it in your file?

24 **INMATE AGRIO:** Yes, sir.

25 **PRESIDING COMMISSIONER SAWYER:** Yeah.  
26 Can you respond to that for me?

27 **INMATE AGRIO:** I completely

1 (indiscernible) that, sir. That was the  
2 ramblings of irrational thinking. I think that  
3 since that time, sir, I have subjected myself to  
4 extensive therapy. I've had an opportunity to  
5 look at some of the things that were part of my  
6 belief system and realize how destructive they  
7 were --

8 **PRESIDING COMMISSIONER SAWYER:** Uh-huh.

9 **INMATE AGRIO:** -- and I have made  
10 extreme efforts to try to change that kind of  
11 thinking, sir, and I can honestly tell you  
12 today, sir, that I no longer feel that way, and  
13 if I said that, it was wrong. I don't believe  
14 that anymore. I don't subscribe to it, and I  
15 completely reject any of those statements.

16 **PRESIDING COMMISSIONER SAWYER:** Let me  
17 ask you this, and this is from 1989, and I'm not  
18 saying that that's what I believe that you would  
19 -- just -- I just saw that and I found it  
20 interesting because isn't it true that in some  
21 cultures that's true?

22 **INMATE AGRIO:** Yes, sir.

23 **PRESIDING COMMISSIONER SAWYER:** Okay.

24 **INMATE AGRIO:** And it is true in my  
25 culture.

26 **PRESIDING COMMISSIONER SAWYER:** And was  
27 it true at the time of the offense?

1           **INMATE AGRIO:** I believe that was part  
2 of the reason why I got myself in that  
3 situation, yes, sir.

4           **PRESIDING COMMISSIONER SAWYER:** Okay.  
5 Good answer because I do too. I truly believe  
6 that and I think that chose me some insight in  
7 terms of dealing with -- dealing with your  
8 problems. It's a little too late but you're not  
9 the only one that believes this either, sir.

10           **INMATE AGRIO:** It's unfortunate, sir,  
11 but that's the way we grow up, you know, with --  
12 we're conditioned to think things like that. I  
13 don't know where they come from. They certainly  
14 didn't come from my mother. God bless her. She  
15 didn't teach me that, but I grew up thinking  
16 these things. I didn't even realize that that's  
17 how I felt, and I've read the transcripts of the  
18 trial, and I've read some of these statements  
19 and today I'm appalled that I even thought or  
20 felt that way.

21           **PRESIDING COMMISSIONER SAWYER:** Uh-huh.

22           **INMATE AGRIO:** I have a great deal of  
23 respect for woman, and I would never advocate  
24 any kind of violence against them.

25           **PRESIDING COMMISSIONER SAWYER:** Okay.  
26 Thank you. Ms. Shess? Pronounce that again for  
27 me?

1           DEPUTY DISTRICT ATTORNEY SHESS:   Shess.

2           PRESIDING COMMISSIONER SAWYER:   Oh, I  
3   did do it right, Shess.

4           DEPUTY DISTRICT ATTORNEY SHESS:   You  
5   did it right.

6           PRESIDING COMMISSIONER SAWYER:   Shess  
7   like chess?

8           DEPUTY DISTRICT ATTORNEY SHESS:   Yes,  
9   correct, yes. Commissioner at the outset, the  
10   inmate corrected some earlier statements, which  
11   he had been repeating over and over again, where  
12   he had referred today this as an accidental  
13   shooting and he clarified today saying that was  
14   his criminal defense. It was an accidental  
15   shooting. It was the result, in his mind today,  
16   of an unintentional act. Would you ask the  
17   inmate to explain how an unintentional act  
18   results in a bullet wound, a contact lethal  
19   bullet wound to the base of the skull similar to  
20   an execution?

21          INMATE AGRIO:   I was grossly negligent  
22   in the handling of the weapon once I disarmed  
23   Alma, and my actions and behavior at that time  
24   were motivated by anger and in some instances  
25   perhaps rage. I've had a difficult time  
26   admitting that to myself, but I have come to  
27   grips with that situation, and all that combined